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July 18, 2022

**Via ECF**

Honorable Hector Gonzalez  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

**Case Number:** 1:21-cv-03703-BMC  
Khusenov v. ProKraft Inc.

Dear Judge Gonzalez:

This office represents defendant/third-party plaintiff, ProKraft Inc. and defendant, Pro-Cut (hereinafter collectively, "Prokraft") in this matter. This letter brief is submitted in support of Prokraft's application for (1) an extension of time to complete expert depositions in this matter; and (2) an extension of time to submit our Reply submission in support of our motion for summary judgment after the completion of the expert depositions.

Briefly, this case arises out the plaintiff's claims under *inter alia*, a strict products liability cause of action wherein Mr. Khusenov suffered loss of part of his arm from the use of a meat grinder. Here, his co-worker testified to sawing off the permanent, non-removable guard to the meat grinder.

Pursuant to the Order of Judge Cogan at the Hearing on May 2, 2022 and your Honor's Order dated May 31, 2022, our office and the third-party defendant's counsel moved for summary judgment by June 16, 2022, prior to expert discovery taking place.

The plaintiff's counsel moved for an extension of time to submit opposition papers to the motions and this Court granted that application by its Order dated June 29, 2022, which extended the plaintiff's time to file their opposition papers by July 14, 2022 and made Reply submissions returnable on July 25, 2022.

As to expert discovery, as per Justice Cogan's previous directive in the May 2, 2022 Hearing, Judge Cogan gave us a self-described soft, not "granite," but "written in sandstone" deadline for expert discovery of July 13, 2022. However, the plaintiff did not exchange his expert report until July 13, 2022, thereby precluding conducting the deposition by that date. Further, Plaintiff used that expert's conclusions in support of their

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opposition to the respective motions.

Therefore, we request an extension of time to conduct expert discovery in this matter. Since that discovery bears on the resolution of the summary judgment motions, which Plaintiff opposes via his expert's findings, we also request an extension of time to interpose our Reply submission in support of our motion for summary judgment after the expert depositions have been completed.

I have consulted with Thomas Evans, counsel for the third-party defendant Karzinka Us, Inc, and he consents to this application.

Thank you for your consideration herein.

Very truly yours,  
**O'CONNOR REDD ORLANDO LLP**

/s/

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